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In re Application of :  
FERSTL et al. : DECISION ON PETITION  
Application No. 10/022,605 :  
Filed: December 17, 2001 :  
Attorney Docket No. WMP-SME-352 :

This is a decision on the petition filed May 10, 2004, requesting that the holding of abandonment in the above-identified application be withdrawn.

The petition to withdraw the holding of abandonment is GRANTED.

A non-final Office action was mailed on September 12, 2003, setting a three-month period of response. A Notice of Abandonment was mailed on April 19, 2004.

Petitioner asserts that an Amendment in response to the Office action was timely mailed to the Patent and Trademark Office on March 11, 2004. This is evidenced by 1) a copy of the Amendment, which bears a certificate of mailing under 37 C.F.R. § 1.8(a) dated March 11, 2004, 2) a Petition for Three-Month Extension of Time and the corresponding fee and 3) a postcard receipt indicating receipt of the Amendment in the Patent and Trademark Office on March 15, 2004.

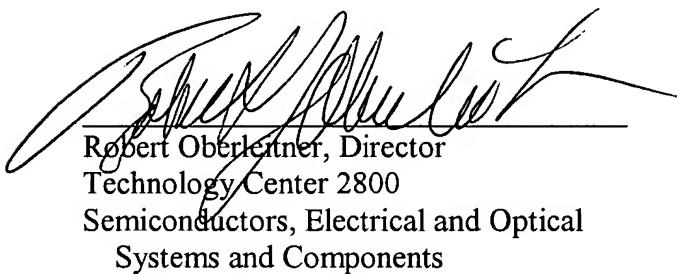
The review of the application file reveals that the Amendment in response to the September 13, 2003 Office action was received and matched with the file. However, the amendment was not noticed by either the examiner or the technical support staff and consequently, the application was held to be abandoned. The application is not abandoned in fact.

The revenue and accounting records indicate that the Three-Month Extension of Time fee was paid on March 17, 2004.

For the above reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. Inconvenience to petitioner is regretted.

The application file is being forwarded to the technical support staff for processing the response to the September 12, 2003 Office action. From there, it will be returned to the examiner for further prosecution.

Questions regarding this decision should be directed to Jose' G. Dees at 571-272-1569.



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